



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WAGGONER CARR  
ATTORNEY GENERAL

January 23, 1963

Mr. Joe D. Carter, Chairman  
Texas Water Commission  
P. O. Box 2311  
Capitol Station  
Austin 11, Texas

Opinion No. C- 3

Re: Payment for certain maps  
and aerial photographs by  
the Texas Water Commission  
to be used as evidence in  
Cause No. B-20,576--State  
of Texas, et al v. Hidalgo  
County Water Control and  
Improvement District No.  
18, et al, in the District  
Court of Hidalgo County,  
Texas.

Dear Mr. Carter:

You have requested an opinion on the above subject matter. Your question concerns whether Item 14 of the appropriation to the Texas Water Commission, contained in Senate Bill 1, Acts of the 57th Legislature, First Called Session, 1961 (General Appropriation Act), may be expended for the purpose of acquiring necessary maps and aerial photographs to be used as evidence by the Texas Water Commission in Cause No. B-20,576--the State of Texas, et al v. Hidalgo County Water Control and Improvement District No. 18, et al, in the District Court of Hidalgo County, Texas, 93rd Judicial District. A part of the relief prayed for by the State of Texas seeks cancellation of certain alleged water rights and it has been determined by the Texas Water Commission and the Attorney General's office that the above referred to maps and aerial photographs constitute evidence necessary for the proper preparation of this cause.

Item 14 of the appropriation to the Texas Water Commission reads as follows:

"For the Years Ending  
August 31,      August 31,  
1962                      1963

"14. For expense of cancellations, notices, including advertising, postage, fees, and other costs

15,000

U.B."

Hon. Joe D. Carter, page 2 (C- 3 )

It is noted that the \$15,000 appropriation contained in Item 14 may be expended for any necessary expense involved in cancellations of water rights. It is further noted that such appropriation is not limited to expense involved in an administrative proceeding but includes expense involved in cancellation whether by an administrative proceeding or a judicial proceeding.

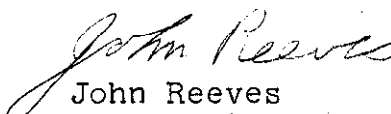
Since it has been determined that the maps and aerial photographs referred to in your request are necessary to the proper preparation of a case seeking certain cancellations, you are advised that Item 14 may be expended for such purpose.

S U M M A R Y

Item 14 of the appropriation to the Texas Water Commission appropriated for the purpose of paying "expense of cancellations" may be expended for the purpose of acquiring certain maps and aerial photographs necessary in the preparation of a trial of a case wherein cancellation of water rights is sought by the Texas Water Commission.

Yours very truly,

WAGGONER CARR  
Attorney General of Texas

  
John Reeves  
Assistant

JR:ms:mkh

APPROVED:  
OPINION COMMITTEE  
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Ben Harrison  
Tom Peterson  
Arthur Sandlin  
Grady Chandler

APPROVED:  
Waggoner Carr  
Attorney General

APPROVED:  
Stanton Stone  
Executive Assistant